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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/565,232

01/31/2006

Lothar Neufang

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EXAMINER

CHARLES, MARCUS

ART UNIT

PAPER NUMBER

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/565,232	<b>Applicant(s)</b> NEUFANG ET AL.	
	<b>Examiner</b> Marcus Charles	<b>Art Unit</b> 3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1-18-2006</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This is the first action relating to serial application number 10/565,232 filed 01-31-2006.

Claims 1-16 are currently pending.

#### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Drawings***

2. The examiner has accepted the drawing filed with this application as formal drawing.

#### ***Specification***

3. The disclosure is objected to because of the following informalities: It is not proper to include claim numerals and legal terms in the specification. Therefore, the inclusion of claim 1 in pages 1 & 2 and of the legal term "said" in pages 6-9, must be deleted.
4. The following sub-titles are required in specification.

(A) CROSS-REFERENCE TO RELATED APPLICATIONS.

(B) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(C) BRIEF SUMMARY OF THE INVENTION.

(D) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(E) DETAILED DESCRIPTION OF THE INVENTION.

Appropriate correction is required.

Art Unit: 3682

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

### ***Claim Objections***

5. Claim1 is objected to because of the following informalities: In line 8, reference to the carrying section (second occurrence) should be (2, 3) and not (5, 6) which is the return section. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 3682

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 3-8 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 3, line 3, the intended scope of the phrase "by at least one slot" is unclear and confusing because claim 1 recites "the valve has a slot (33)" and claim recites "the funnel is divided by at least one slot (33)".

Therefore, it is unclear if the slot of claim 3 is the same as that of claim 1.

In claim 8, the phrase "in particular" renders the intended scope of the claim unclear because it is not clear if the limitation after the claim is part of the claimed invention.

In claim 13, it is not clear as to what the phrase "known per se" is intended to convey.

### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-6 and 8-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Pfeuffer (6,203,199). Pfeuffer discloses the claimed invention for example, including head pieces (32) arranged on one side of the carrier body (16), each has deflection section (34) and connects the returning section to the carrying section; a lubricating channel (116) for supplying lubricant including a valve (118) having a slot (116") which

Art Unit: 3682

provided for the passage of the lubricant which is delimited by the slot faces bearing against one another and is permitted to flow when the valve is open (see col. 14, lines 18-26).

In claim 2, note the head piece section (18/34) is provided with the lubricant channel (118).

In claim 3, note the valve (118) is arranged in the lubricant channel and is arranged as a funnel (see fig. 6) which is divided by the slot.

In claim 4, note the funnel is configured as a cone (see fig. 6).

In claim 5, note the channel includes a first end and a second end such that the first end is situated at the deflection end and the second end is at the path of the entrance section (see fig. 6).

In claim 6, note the funnel section in fig. 6 includes a tip that is arranged to flow in the direction of the lubricant.

In claim 8, note Pfeuffer discloses the slot funnel made from plastic.

In claim 9, note Pfeuffer discloses the slot faces presses against each other (see col. 14, lines 18-26).

In claim 10, Note the head plate (18) comprises a distributor plate (34) provided with a branch distributor channel (see fig. 3), at the ends of the transfer hole (1021-1024).

In claim 11, note the slot faces are formed on the distributor plate (34), (see fig. 6).

In claim 12, note the funnel (see fig. 6) is formed in the distributor plate (34).

In claim 13, note the deflection plate (34) has inner deflection means (see fig.8).

In claim 14, note the transfer holes (102-1 to 102-4) open in the inner deflection means.

In claim 15, the inner deflection means (50, 52) is provided with two adjacent ball grooves and an opening web (54-1) separating the ball grooves.

In claim 16, note the funnel is formed on the distributor plate.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pfeuffer in view of DE (1,764,875) applicants prior art. Pfeuffer fails to disclose the funnel has slots in a shape of a cross. DE (1,764,875) discloses a funnel (See figs. 1-2) having a shape of a cross (see 14). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the funnel of Pfeuffer so that the slot has a shape of a cross in view of DE (1,764,875) in order to control the flow of the fluid and to prevent the fluid from reversing.

***Citation***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the prior art cited in attached PTO Form 892.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (571) 272-7101. The examiner can normally be reached on Monday-Thursday 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ridley Richard can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marcus Charles/  
*Marcus Charles*  
Primary Examiner, Art Unit 3682